

## PETITION

(To be filed in original and, for each box checked in Item 1 below, one (1) copy with the Maine Labor Relations Board, Station 90, Augusta, Maine 04333, and served on any organization or party listed in Items 3, 4 and 7 below.)

1. Purpose of Petition (check all applicable boxes)

- ☐ Unit Determination (UD)
- ☐ Unit Merger (UD) and/or Election
- ☒ Unit Clarification (UC)

- ☐ Bargaining Agent Election
- ☐ Decertification Election
- ☐ Decertification/Bargaining Agent Election

2. PetitionerName University of Maine SystemAddress 107 Maine Avenue  
Bangor, ME 04401Phone 207-973-3376Representative for correspondenceName Glenn IsraelAddress Bernstein, Shur, Sawyer & Nelson  
100 Middle Street, PO Box 9729  
Portland, ME 04104Phone 207-774-1200Representative for correspondence (if known)3. Responding Employer, Employee(s) or OrganizationName University of Maine Professional Staff Assoc.

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name Ross FerrellAddress Maine Education Assoc.  
1349 Broadway, Bangor, Maine  
04401Phone 207-942-29074. Incumbent Collective Bargaining Agent (if any)Name University of Maine Professional Staff Assoc.

Address \_\_\_\_\_

Phone \_\_\_\_\_

5. Name of prospective bargaining agent as it will appear on the ballot (if election requested)

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

## 6. Describe the existing or proposed collective bargaining unit; estimate the total number of employees in the unit; set forth the classifications of employees comprising the unit; and estimate the number of employees in each classification. For a UD or UC, if a position in an included classification is to be excluded from the unit, list each such specific position and set forth the basis for its exclusion. Continue on separate sheet if needed.

Please see attached sheet

## 7. Provide the name(s), address(es) and telephone number(s) of any other employee(s) or employee organization(s) that, to the best of petitioner's information and belief, claim to represent any of the employees in the existing or proposed bargaining unit or the unit to be clarified.

See Number 3 above

## 8. For a UC or for a UD requested for other than an initial definition of an appropriate bargaining unit, state what action or remedy is sought.

Please see attached sheet

9. ☐ For a UD, employer and current or prospective bargaining agent cannot agree on an appropriate unit.
- ☒ For a UC, employer and bargaining agent cannot agree on appropriate unit modification, there is no pending question concerning representation.
10. For a UC, have the circumstances surrounding the formation of the existing bargaining unit changed sufficiently to warrant modification in the composition of the bargaining unit? Yes If so, state what changes have occurred, the date(s) of their occurrence and the modification(s) the petitioner proposes. Continue on separate sheet if needed.

Please see attached sheet

11. State the expiration date of any written agreement covering employees in the existing or proposed bargaining unit and attach a copy thereof. The current CBA expired on June 30, 2002
12. For a UD or an election (other than for a merger), a petitioning employer must state that one or more employees or employee organizations have presented to it a claim to be recognized as the representative of employees in a bargaining unit. A petitioning public employee or public employee organization must provide a 30% showing of interest, while the petition of an intervenor need only be accompanied by a 10% showing. The showing may be comprised of original authorization or membership cards, or other separate documents individually signed and dated, containing the typed or printed name of the person signing and a statement that he or she does (or does not if decertification is sought) desire to be represented by the petitioner for the purposes of collective bargaining.
- ☐ Received request for recognition (employer)
- ☐ Showing of interest attached (employee or employee organization)  
(The showing of interest should be submitted only to the Maine Labor Relations Board.)

13. State any other facts relevant to this Petition.

Dated at Portland, Maine, this 25<sup>th</sup> day of July, XX 2002

Signed by: [Signature]

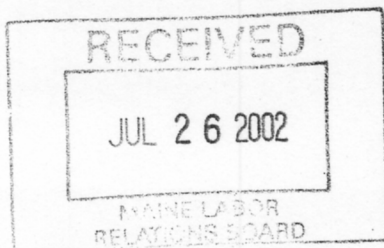
Title: Attorney for the University of Maine System

STATE OF MAINE

Cumberland, ss:  
(County)

July 25, 2002

Personally appeared before me, the undersigned authority at law, the aforementioned petitioner Glenn Israel  
in his/her capacity as Attorney for the University of Maine System (name)  
who, under the penalty of perjury, made oath that the foregoing Petition is true and correct to the best of his/her information and belief.



[Signature: Susan M. Powers]  
Notary Public  
Justice of the Peace  
**SUSAN M. POWERS**  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES APRIL 14, 2005



**Attachment to University of Maine  
Unit Clarification Petition**

**Response to Question 6:**

The existing collective bargaining unit consists of approximately 1100 employees who are members of the professional and administrative staff of the University. The composition of the unit is based upon the 26 M.R.S.A. § 1024-A (1)(B), which states that "professional and administrative staff" is an appropriate bargaining unit and upon the agreement of the parties dated December 19, 1978 (a copy of which is attached hereto as Exhibit A). There are no job classifications within the unit.

The 1978 agreement states that "professional and administrative staff employees who supervise other professional and administrative staff employees" are excluded from the bargaining unit. The University has proposed that the following six job titles be excluded from the bargaining unit because they have supervisory responsibilities:

<u>Job Title</u>	<u>Held By</u>	<u>Title(s) Supervised</u>
Coordinator of Recreation and Fitness Programs	Tina Aldrich	Assistant Coordinator of Recreation and Fitness
Coordinator I: Evaluation Services	Kenneth Town	Database Development Specialist II
Coordinator I: Evaluation	George Shaler	Project Assistant I Project Specialist I
Associate Director of Pre-Award Services	Lynn Ann Rollins	Staff Associate
Research Associate II: Health Policy	Eileen Griffin	Project Coordinator, Research Assistant III, Program Manager
Project Specialist II: VISTA	Glenn Curry	Project Assistant I

The Union has objected to the exclusion of these job titles from the bargaining unit. The CBA states that, if the parties cannot agree upon which professional and administrative staff employees are to be excluded from the bargaining unit, the issue may be submitted to the M.L.R.B. for determination.

**Response to Question 8:**

The University is seeking an order from the M.L.R.B. stating that the six job titles listed in response to Question 6 above are appropriately excluded from the bargaining unit.

**Response to Question 10:**

The six newly created or modified job titles listed in response to Question 6 above all have as part of their duties the supervision of the work of one or more professional or administrative staff employees. Thus, pursuant to the 1978 agreement between the parties, those positions, and the bargaining unit members who have been promoted into those positions, should be excluded from the bargaining unit.



AGREEMENT ON APPROPRIATE BARGAINING UNIT

Augusta,  
Bangor, Maine  
December 19, 1978

This is to certify that the University of Maine and the University of Maine Professional Staff Association (MTA/NEA) have agreed that the following constitutes the appropriate composition of the Professional and Administrative Staff Unit as set forth in 26 M.R.S.A. § 1024(1)(B):

All regular University employees, as defined in Section 1022 of the University of Maine Labor Relations Act, holding a title appearing, for their respective campuses, on the list of titles attached hereto as Appendix A; excluding, however, (1) all employees included in another collective bargaining unit, (2) professional and administrative staff employees who supervise other professional and administrative staff employees, (3) temporary employees, (4) CETA employees, (5) persons excluded from the definition of University employee as described in Section 1022 of the University of Maine Labor Relations Act, and (6) all other employees.

University of Maine

By: *[Signature]*

University of Maine  
Professional Staff  
Association

By: *[Signature]*

EXHIBIT

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